

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RAVGEN, INC.,

Plaintiff,

v.

NATERA, INC. AND NSTX, INC.,

Defendant.

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1-20-CV-00692-ADA

1-20-CV-00822-ADA

CLAIM CONSTRUCTION ORDER

The Court provided its preliminary constructions on February 8, 2021. The Court held a claim construction hearing on February 9, 2021, during which the Court heard argument on the claim terms: “agent that [inhibits cell lysis to inhibit the lysis of cells/inhibits lysis of cells/impedes cell lysis] . . . wherein said agent is selected from the group consisting of membrane stabilizer, crosslinker, and cell lysis inhibitor” (’277 Patent, Claims 8, 55, 81; ’720 Patent, Claim 1); “determining the sequence of a locus of interest” (’277 Patent, Claim 55); and “formalin” (’277 Patent, Claims 60, 91–93, 132–133). ECF No. 64.

After careful consideration of the parties’ briefs, oral argument, and the applicable law, the Court enters its final constructions for each term as shown below.

Claim Terms for Case No. 1:20-cv-00692

Claim Term	Court
“a the sample” (’277 Patent, Claim 81) Proposed for construction by Plaintiff	Plain and ordinary meaning
“relative amount of alleles”/ “relative amount of the alleles” (’277 Patent, Claims 1, 116) Proposed for construction by Defendants	Plain and ordinary meaning.

<p>“agent that [inhibits cell lysis to inhibit the lysis of cells/inhibits lysis of cells/impedes cell lysis] . . .wherein said agent is selected from the group consisting of membrane stabilizer, crosslinker, and cell lysis inhibitor” ('277 Patent, Claims 8, 55, 81; '720 Patent, Claim 1) Proposed for construction by Defendants</p>	<p>Conditions “[inhibits cell lysis to inhibit the lysis of cells/inhibits lysis of cells/impedes cell lysis]”</p>
<p>“if cells are present” ('277 Patent, Claim 55) Proposed for construction by Defendants</p>	<p>Plain and ordinary meaning</p>
<p>“free fetal DNA isolated” ('277 Patent, Claim 55) “isolating free fetal nucleic acid” ('277 Patent, Claim 81) “isolating free nucleic acid” ('720 Patent Claim 1) Proposed for construction by Defendants</p>	<p>Plain and ordinary meaning</p>

Claim Terms for Case No. 1:20-cv-00822

Claim Term	Court
<p>“determining the sequence of a locus of interest” '277 Patent, Claim 55</p>	<p>Plain and ordinary meaning</p>
<p>“formalin” '277 Patent, Claims 60, 91–93, 132–133</p>	<p>Plain and ordinary meaning</p>
<p>“said sample comprises an agent that [impedes cell lysis/inhibits lysis of cells], if cells are present, and wherein said agent is selected from the group consisting of membrane stabilizer, cross-linker, and cell lysis inhibitor” '277 Patent, Claims 55, 81; '720 Patent, Claim 1</p>	<p>Plain and ordinary meaning</p>

“non-cellular fraction” '720 Patent, Claim 1	Plain and ordinary meaning
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IT IS SO ORDERED.

SIGNED this 2nd day of June, 2021.

A handwritten signature in black ink, reading "Alan D Albright". The signature is written in a cursive, flowing style.

**ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE**